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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/574,800	01/03/2007	Kiichiro Kato	24-033-TN	6498		
23400 POSZ LAW G	7590 05/04/2909 ROUP PLC		EXAM	EXAMINER		
12040 SOUTH LAKES DRIVE VO, HAI				HAI		
SUITE 101 RESTON, VA	20191		ART UNIT	PAPER NUMBER		
			1794			
			MAIL DATE	DELIVERY MODE		
			05/04/2009	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

	Application No.	Applicant(s)		
10/574,800		KATO ET AL.		
	Examiner	Art Unit		
	Hai Vo	1794		

11. Me request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the same reasons set forth in box 3a above. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 13. Other:		Hai vo	1/94						
 1 ∑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandoment of this application, applicant must threly file one of the following replies: (1) an amendment, affidiative, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ∑ The period for reply expires £_months from the mailing date of the final rejection. b) ☐ The period for reply expires 5_months from the mailing date of the final rejection. Examiner Notice: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FIRML REJECTION. See MPEP 705.07(). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee have been filed: is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee harders of the second of the second of the shortened statutory period for reply originally set in the final Office action for period of the second of the shortened statutory period for reply originally set in the final Office action for the second of the second of the shortened statutory period for reply originally set in the final Office action for the second of the second of the shortened statutory period for reply originally set in the final Office action for the second of the second of	The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress					
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to perind for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1,136(a). The date on which the petition under 37 CFR 1,136(a) and the appropriate extension rate have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1,17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checket. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled may reduce any sermed patient term adjustment. See 37 CFR 1,704(b). Control of PAPEAI. If the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filled, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS If the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise he rise use of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). A policy of the proposed of amendment (PTOL-324). The amendments are not in compl	☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of thi application, applicant must timely file one of the following replies: (1) an amendment, affidavt, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time								
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2 ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 4.137(a)), or any extension thereof (37 CFR 4.137(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They raise the issue of new matter (see NOTE below); (d) ☐ They raise the distance of the prior of the date of filing a brief, will not be entered because for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount of hortened statutory period for reply origing than three months after the mailing date	of the fee. The appropria nally set in the final Office	ate extension fee e action; or (2) as					
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Claim(s) allowed: Claim(s) objected to: AFFIDA/IT OR OTHER EVIDENCE The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons with it is necessary and was not earlier presented. See 37 CFR 13(g)(1). 10.	how the new or amended claims would be rejected is provided below or appended.								
Claim(s) objected to: Claim(s) rejected: 1.4.7 and 28-31. Claim(s) withdrawn from consideration: AFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. (3) The request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the same reasons set forth in box 3a above.									
Claim(s) withdrawn from consideration:									
AFFIDAVIT OR OTHER EVIDENCE 8.									
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because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.114(e). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 4.133(d)(1). 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHEE. 11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the same reasons set forth in box 3 a above. 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)									
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